

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

)
ERIC J. DUARTE,)
Plaintiff,)
v.) Civil Action No.
Defendants.) 23-11725-NMG
)
DANIELLE FRANE, et al.,)
Defendants.)
)

ORDER

GORTON, J.

On November 14, 2023, the Court ordered plaintiff Eric Duarte to resolve the filing fee by (1) paying the entire \$402 fee; or (2) submitting a motion for leave to proceed in forma pauperis with "a certified copy of the trust fund account statement . . . for the 6-month period immediately preceding the filing of the complaint . . . obtained from the appropriate official of each prison at which the prisoner is or was confined." 28 U.S.C. § 1915(a)(2) (emphases added).

On February 5, 2024, Duarte filed, inter alia, a letter (Docket No. 7) from the treasurer of Bridgewater State Hospital ("BSH") stating that Duarte was committed to the facility on November 8, 2023, and that there had not been any transaction activity in Duarte's account since that time.

The letter from the BSH hospital does not fulfill the requirement that Duarte provide a prison account statement for the six-month period preceding the filing of the complaint. Duarte commenced this action on July 28, 2023. If he wishes to proceed without prepayment of the filing fee, he must contact the treasurer for the facility or facilities in which he was confined for the six months preceding the filing of this lawsuit on July 28, 2023. In other words, he must provide account information for mid-January 2023 through mid-July 2023.

Duarte must resolve the filing fee within thirty-five days by (1) paying the \$402 filing fee; or (2) filing a motion for leave to proceed in forma pauperis and the required account statement(s). Failure to do so will result in dismissal of this action without prejudice.

The motions for appointment of counsel (Docket Nos. 9, 18, 21) are DENIED without prejudice.

So ordered.

/s/ Nathaniel M. Gorton
Nathaniel M. Gorton
United States District Judge

Dated: April 4, 2024